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UNITED STATES DISTRICT COURT -
EASTERN DISTRICT OF MISSOURI

EASTERN

DIVISION

REGINALD BYRON CLEMONS

(Write the full name of the plaintiff in this action.
Include prisoner registration number.)

v.

MICHELLE BASHAM, et al.,

(Write the full name of each defendant. The caption
must include the names of **all** of the parties.
Fed. R. Civ. P. 10(a). Merely listing one party and
writing "et al." is insufficient. Attach additional
sheets if necessary.)

Case No: 4:22-cv-00158(SRW)
(to be assigned by Clerk of District Court)

Plaintiff Requests Trial by Jury



Yes



No

PRISONER CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983

NOTICE:

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include only: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff should not send exhibits, affidavits, witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed without prepayment of fees and costs.

I. The Parties to this Complaint

A. The Plaintiff

Name: REGINALD BYRON CLEMONS

Other names you have used: Qadir Balil Walid

Prisoner Registration Number: # 990102

Current Institution: Jefferson City Correctional Center

Indicate your prisoner status:

- | | |
|---|--|
| <input type="checkbox"/> Pretrial detainee | <input checked="" type="checkbox"/> Convicted and sentenced state prisoner |
| <input type="checkbox"/> Civilly committed detainee | <input type="checkbox"/> Convicted and sentenced federal prisoner |
| <input type="checkbox"/> Immigration detainee | <input type="checkbox"/> Other (explain): _____ |

B. The Defendant(s)

To the best of your knowledge, give the information below for each defendant named in the caption of this complaint. Make sure the defendant(s) named below are the same as those listed in the caption of this complaint. Attach additional pages if necessary.

For an individual defendant, include the person's job title, and check whether you are suing the individual in his or her individual capacity, official capacity, or both.

Defendant 1

Name: MICHELLE BASHAM

Job or Title: Lieutenant / shift commander

Badge/Shield Number: Not known

Employer: Eastern Reception Diagnostic Correctional Center
Missouri Department of Corrections

Address: 2727 Highway K
Bonne Terre, Missouri 63628

☒ Individual Capacity ☒ Official Capacity

Defendant 2

Name: CARL HART or CARL HART

Job or Title: Corrections Security Sergeant

Badge/Shield Number: E0124214

Employer: Eastern Reception Diagnostic Correction Center
2227 Highway K

Address: Bonne Terre, Missouri 63628



Individual Capacity



Official Capacity

II. Statement of Claim

Type, or neatly print, a short and plain statement of the **FACTS** that support your claim(s). For every defendant you have named in this complaint, you must state what he or she personally did to harm you. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Do not make legal arguments, or cite court cases or statutes. You may attach additional pages if necessary.

Your statement of claim must include all of the following information:

1. What happened to you?
2. When did it happen?
3. Where did it happen?
4. What injuries did you suffer?
5. What did each defendant personally do, or fail to do, to harm you?

*Amended Statement of Claim Attached
Herewith.*

III. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive. I suffered loss of my First Amendment right to pray, ~~at~~ chemical burns to my eyes, ears nose throat and ~~bronch~~ bronchial tube irritation of my asthma, placing me in fear of asthmatic suffocation, chemical burns for over sixteen hours, unwarranted punitive confinement, loss of general population liberties, mental trauma triggering dissociative social disorder or post traumatic stress and massive depression. Being mechanically restrained with the use of force.

IV. Relief

State briefly and precisely what you want the Court to do for you. Do not make legal arguments. Do not cite any cases or statutes. If you are requesting money damages, include the amounts of any actual damages and/or punitive damages you are claiming. Explain why you believe you are entitled to recover those damages.

*The Relief Being Sought
Is On Page 35 of this
Amended Complaint.*

V. Exhaustion of Administrative Remedies/Administrative Procedures

The Prison Litigation Reform Act ("PLRA") 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes ☐ No

If yes, name the jail, prison or other correctional facility where you were confined at the time of the events giving rise to your claim(s): EASTERN RECEPTION DIAGNOSTIC

CORRECTIONAL CENTER, 2727 HIGHWAY K, Bonne Terre, MO 63628

- B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes ☐ No ☐ Do not know

- C. If yes, does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes *Some* ☐ No ☐ Do not know

If yes, which claim(s)? *Disclosure Of Videotape Evidence; Inaccuracy Of Conduct Violation to be Dismissed; Hate Crime; Abuse; Assault; Excessive Use Of Force; Religious Persecution; Retaliation; Need For temporary restraining order; loss of college opportunity;*

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒

Yes

☐

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐

Yes

☐

No

E. If you did file a grievance:

1. Where did you file the grievance?

EASTERN RECEPTION DIAGNOSTIC CORRECTIONAL CENTER

2. What did you claim in your grievance? (Attach a copy of your grievance, if available) *I, was maced and attacked with a group of Muslims praying, because we were praying. I was assaulted and abused for my religion and race making this a hate crime and religious persecution, in violation of my First and Eighth Amendment Rights to the United States Constitution. That the videotape be preserved for civil litigation and public consumption.*
3. What was the result, if any? (Attach a copy of any written response to your grievance, if available) *The conduct violations were dismissed because the video showed that the individuals and I, who were praying, showed no signs of aggression, on grievance No. ERDCC-21-374, Amended Page 109-113. The original complaint was filed into the grievance procedure under grievance No. ERDCC-21-601, in an effort not to have this substantial law suit procedurally barred. An investigation failed to find anything to substantiate my allegations of; Hate Crime; Abuse; Assault; Excessive Use Of Force; Religious Persecution, Retaliation and need for a temporary Restraining Order, grievance denied.*

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

The grievance procedure has been completed on grievance Nos. ERDCC-21-801, ERDCC-21-373, ERDCC-21-374, ERDCC-21-455, ERDCC-21-666, ~~ERDCC-922~~ ERDCC-21-922, ERDCC-21-923, but were delayed by Missouri Department of Corrections staff claiming to lose complaints or claim to have forgotten to process the complaints. All complaint incorporated contemporaneously.

- F. If you did not file a grievance:

N/A

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. I filed grievance number ERDCC-21-801 with as much of the full complaint as I could think of, but now I fear the amended complaint will water down my 42 U.S.C. 1983 as procedurally barred, as not having been exhausted in the state administrative grievance procedure in language verbatim. To Exhaustion.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VI. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

- A. To the best of your knowledge, have you ever had a case dismissed on the basis of this "three strikes rule"?

☒ Yes ☐ No

If yes, state which court dismissed your case and when it was dismissed. Attach a copy of the court's order, if possible. *I do not have all the information requested in this question readily available and would like to request leave to accumulate documents and ~~the~~ information to adequately answer this question. All suits were dismissed for fail to state claim where relief may be granted, if I am remembering correctly.*

Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes ☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff N/A

Defendant(s) N/A

2. Court (if federal court, name the district; if state court, name the state and county)

3. Docket or case number N/A

4. Name of Judge assigned to your case N/A

5. Approximate date of filing lawsuit N/A
6. Is the case still pending?
- ☐ Yes
- ☐ No (If no, give the approximate date of disposition): Need Time To get N/A information
7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)
- All my civil suits were denied because I could not afford a lawyer or convince someone to represent me pro bona against the litigation machine of the attorney generals office. I was procedurally outwitted.
- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?
- ☒ Yes ☐ No
- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)
1. Parties to the previous lawsuit
- Plaintiff Information is stored in prison storage.
- Defendant(s) Information is stored in prison storage.
2. Court (if federal court, name the district; if state court, name the state and county)
- Information is locked away in prison storage on lawsuit about prison conditions. Where I was placed in lockup for talking to two lawyers at the same time on a legal call. Also I filed against overcrowding.
3. Docket or case number _____
4. Name of Judge assigned to your case Katherine D. Percy, Judge
5. Approximate date of filing lawsuit I don't have access to casenet.

6. Is the case still pending?

☐ Yes

☒ No (If no, give the approximate date of disposition): I don't have
access to case net

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

VII. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 26 day of May, 20 22.

Signature of Plaintiff

Bernard Clemens